

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTIAN DOSCHER,

Plaintiff,

v.

PUBLIC STORAGE, et al.,

Defendants.

CASE NO. C13-5457 BHS

ORDER DENYING MOTION TO
PROCEED *IN FORMA PAUPERIS*
AND DISMISSING COMPLAINT

This matter comes before the Court on Plaintiff Christian Doscher's ("Doscher") motion to proceed *in forma pauperis* (Dkt. 1) and proposed complaint (Dkts. 1-2 & 1-3) ("Complaint").

On June 10, 2013, Doscher filed the instant motion and the proposed complaint asserting state law causes of action. Complaint, § R. Doscher argues that the Court has jurisdiction to hear this case because the parties are diverse and the amount in controversy is in excess of the jurisdictional limit. *Id.* § B. One of the Defendants, however, Sue Maltempi, is a resident of Washington (*id.* § A), and Doscher is also a resident of Washington (Dkt. 1-4).

1 The district court may permit indigent litigants to proceed *in forma pauperis* upon
2 completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the
3 “privilege of pleading *in forma pauperis* . . . in civil actions for damages should be
4 allowed only in exceptional circumstances.” *Wilborn v. Escalderon*, 789 F.2d 1328 (9th
5 Cir. 1986). Moreover, the court has broad discretion in denying an application to proceed
6 *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied* 375
7 U.S. 845 (1963).

8 “If the court determines at any time that it lacks subject-matter jurisdiction, the
9 court must dismiss the action.” Fed. R. Civ. P. 12(h)(3).

10 In this case, Doscher has failed to meet his burden to proceed *in forma pauperis*.
11 While Doscher may qualify financially, the Court does not have jurisdiction to hear this
12 case because there is not complete diversity between the parties. Therefore, the Court
13 **DENIES** the motion to proceed *in forma pauperis* and **DISMISSES** the complaint for
14 lack of subject-matter jurisdiction.

15 **IT IS SO ORDERED.**

16 Dated this 12th day of June, 2013.

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19 BENJAMIN H. SETTLE
20 United States District Judge
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